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ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2449

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State of Washington

60th Legislature

2008 Regular Session

**By** House Appropriations (originally sponsored by Representatives Pettigrew, Conway, Goodman, Kagi, Haler, Priest, Morrell, Green, Appleton, Sullivan, Wood, Sells, Williams, Haigh, Campbell, Simpson, Wallace, Barlow, Ormsby, Kessler, Jarrett, Dunshee, Walsh, Hudgins, Moeller, VanDeWege, Blake, Hasegawa, Hunt, Lias, Miloscia, McIntire, Kenney, Santos, Cody, Nelson, Rolfes, Chase, and Darneille)

READ FIRST TIME 02/12/08.

1 AN ACT Relating to improving quality, access, and stability of  
2 child care through providing collective bargaining for child care  
3 center directors and workers; amending RCW 41.56.028, 41.56.030,  
4 41.56.113, 41.04.810, and 43.01.047; adding a new section to chapter  
5 43.215 RCW; adding a new section to chapter 74.08A RCW; adding a new  
6 section to chapter 74.12 RCW; and creating new sections.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 NEW SECTION. **Sec. 1.** The legislature finds that, as of 2008, the  
9 challenges posed by low wages and lack of training that the legislature  
10 identified in enacting the child care career and wage ladder persist,  
11 and the availability of quality child care in the state continues to  
12 suffer. The legislature intends to address these problems by creating  
13 the possibility for a new relationship between child care center  
14 directors and workers and the state. Child care center directors and  
15 workers are to be given the opportunity to work collectively to improve  
16 standards in their profession and to expand opportunities for  
17 educational advancement to ensure continuous quality improvement in the  
18 delivery of early learning services. Family child care providers in

1 the state have recently been given a similar opportunity, and the  
2 results of their efforts have improved standards and quality for that  
3 segment of the child care industry.

4 The legislature intends to create a new type of collective  
5 bargaining for these directors and workers whereby they can come  
6 together and bargain with the state over matters within the state's  
7 purview and support for improving the quality of child care for the  
8 state's families. Unlike traditional collective bargaining, this new  
9 approach will afford these directors and workers the opportunity to  
10 bargain with the state only over the state's support for child care  
11 centers, a matter of common concern to both directors and workers.  
12 Specific terms and conditions of employment at individual centers,  
13 which are the subjects of traditional collective bargaining between  
14 employers and their employees, fall outside the limited scope of  
15 bargaining defined by this act. Accordingly, traditional policy  
16 concerns over supervisors and employees being organized into a common  
17 bargaining unit are inapplicable. Sharing a community of interest in  
18 the subjects of bargaining enables directors and workers to work side  
19 by side in the same bargaining unit for common goals.

20 All child care center directors and workers will equally be able to  
21 maintain full membership in the organization that represents them in  
22 their efforts to improve the quality of child care they provide to the  
23 state's children. This new bargaining relationship does not intrude in  
24 any manner upon those relationships governed by the national labor  
25 relations act (29 U.S.C. Sec. 151 et seq). Child care center directors  
26 and workers do not forfeit their rights under the national labor  
27 relations act by becoming members of an organization that represents  
28 them in their dealings with the state. Under the national labor  
29 relations act, an organization that represents child care center  
30 directors and workers in bargaining with the state under this act is  
31 precluded from representing workers seeking to engage in traditional  
32 collective bargaining with their employer over specific terms and  
33 conditions of employment at individual child care centers.

34 **Sec. 2.** RCW 41.56.028 and 2007 c 278 s 2 are each amended to read  
35 as follows:

36 (1) In addition to the entities listed in RCW 41.56.020, this  
37 chapter applies to the governor with respect to family child care

1 providers and to child care center directors and workers. Solely for  
2 the purposes of collective bargaining and as expressly limited under  
3 subsections (2) and (3) of this section, the governor is the public  
4 employer of family child care providers and of child care center  
5 directors and workers who, solely for the purposes of collective  
6 bargaining, are public employees. The public employer shall be  
7 represented for bargaining purposes by the governor or the governor's  
8 designee appointed under chapter 41.80 RCW.

9 (2) This chapter governs the collective bargaining relationship  
10 between the governor and family child care providers and between the  
11 governor and child care center directors and workers, except as  
12 follows:

13 (a) (~~(A statewide unit of all family child care providers is)~~) The  
14 only units appropriate for purposes of collective bargaining under RCW  
15 41.56.060 are:

16 (i) A statewide unit for family child care providers; and

17 (ii) The units for child care center directors and workers  
18 determined by the commission which shall conform to the unit requested  
19 in the application for certification as the bargaining representative  
20 if consistent with the terms of this act. In determining the units,  
21 the commission shall include in the same unit all child care center  
22 directors and workers employed at child care centers located in  
23 department of social and health services regions or subregions existing  
24 on the effective date of this section, and shall group together regions  
25 to minimize the number of units.

26 (b) The exclusive bargaining representative of family child care  
27 providers or of child care center directors and workers in the units  
28 specified in (a) of this subsection shall be the representative chosen  
29 in an election conducted pursuant to RCW 41.56.070, except that:

30 (i) In the initial election conducted under chapter 54, Laws of  
31 2006, or this act, if more than one labor organization is on the ballot  
32 and none of the choices receives a majority of the votes cast, a  
33 run-off election shall be held; and

34 (ii) To show at least thirty percent representation within a unit  
35 to accompany a request for an initial election under this act, the  
36 written proof of representation is valid only if collected not more  
37 than two years prior to the date the request is filed with the  
38 commission.

1 (c)(i) Notwithstanding the definition of "collective bargaining" in  
2 RCW 41.56.030(4), the scope of collective bargaining for family child  
3 care providers under this section shall be limited solely to: ~~((i))~~  
4 (A) Economic compensation, such as manner and rate of subsidy and  
5 reimbursement, including tiered reimbursements; ~~((ii))~~ (B) health and  
6 welfare benefits; ~~((iii))~~ (C) professional development and training;  
7 ~~((iv))~~ (D) labor-management committees; ~~((v))~~ (E) grievance  
8 procedures; and ~~((vi))~~ (F) other economic matters. Retirement  
9 benefits shall not be subject to collective bargaining. By such  
10 obligation neither party shall be compelled to agree to a proposal or  
11 be required to make a concession unless otherwise provided in this  
12 chapter.

13 (ii) Notwithstanding the definition of "collective bargaining" in  
14 RCW 41.56.030(4), the scope of collective bargaining for child care  
15 center directors and workers under this section shall be limited solely  
16 to these matters within the purview of the state and within the  
17 community of interest of child care center directors and workers: (A)  
18 Professional development and training; (B) mechanisms and funding to  
19 improve the access of child care centers to health care insurance and  
20 other benefit programs; (C) economic compensation to child care  
21 centers, such as manner and rate of subsidy and reimbursement,  
22 including tiered reimbursements; (D) other economic support for child  
23 care centers; and (E) grievance procedures related to (c)(ii)(A)  
24 through (D) of this subsection. Retirement benefits shall not be  
25 subject to collective bargaining. By such obligation neither party  
26 shall be compelled to agree to a proposal or be required to make a  
27 concession unless otherwise provided in this chapter.

28 (d) The mediation and interest arbitration provisions of RCW  
29 41.56.430 through 41.56.470 and 41.56.480 apply, except that:

30 (i) With respect to commencement of negotiations between the  
31 governor and the exclusive bargaining representative of family child  
32 care providers or of child care center directors and workers,  
33 negotiations shall be commenced initially upon certification of an  
34 exclusive bargaining representative under (a) of this subsection and,  
35 thereafter, by February 1st of any even-numbered year; and

36 (ii) The decision of the arbitration panel is not binding on the  
37 legislature and, if the legislature does not approve the request for

1 funds necessary to implement the compensation and benefit provisions of  
2 the arbitrated collective bargaining agreement, is not binding on the  
3 state.

4 (e) Nothing in chapter 54, Laws of 2006, or this act grants family  
5 child care providers ((do not have)) and child care center directors  
6 and workers the right to strike.

7 (3) Family child care providers and child care center directors and  
8 workers who are public employees solely for the purposes of collective  
9 bargaining under subsection (1) of this section are not, for that  
10 reason, employees of the state for any purpose. This section applies  
11 only to the governance of the collective bargaining relationship  
12 between the employer and family child care providers and between the  
13 employer and child care center directors and workers as provided in  
14 subsections (1) and (2) of this section.

15 (4) This section does not create or modify:

16 (a) The parents' or legal guardians' right to choose and terminate  
17 the services of any family child care provider that provides care for  
18 their child or children;

19 (b) The child care centers' right to choose, direct, and terminate  
20 the services of any child care worker who provides care in the center;

21 (c) The rights of employers and employees under the national labor  
22 relations act, 29 U.S.C. Secs. 151 et seq.;

23 (d) The secretary of the department of social and health services'  
24 right to adopt requirements under RCW 74.15.030, except for  
25 requirements related to grievance procedures and collective  
26 negotiations on personnel matters as specified in subsection (2)(c) of  
27 this section;

28 ((+e)) (e) Chapter 26.44 RCW, RCW 43.43.832, 43.20A.205, and  
29 74.15.130; and

30 ((+d)) (f) The legislature's right to make programmatic  
31 modifications to the delivery of state services through child care  
32 subsidy programs, including standards of eligibility of parents, legal  
33 guardians, ((and)) family child care providers, and child care centers  
34 participating in child care subsidy programs, ((and)) the nature of  
35 services provided, and the right to determine standards for  
36 professional development and training, quality criteria, or ratings  
37 through programs such as a quality rating system. The governor shall

1 not enter into, extend, or renew any agreement under this section that  
2 does not expressly reserve the legislative rights described in this  
3 subsection (4)(~~(d)~~) (f).

4 (5) Upon meeting the requirements of subsection (6) of this  
5 section, the governor must submit, as a part of the proposed biennial  
6 or supplemental operating budget submitted to the legislature under RCW  
7 43.88.030, a request for funds necessary to implement the compensation  
8 and benefit provisions of (~~(a)~~) collective bargaining agreements  
9 entered into under this section or for legislation necessary to  
10 implement such agreements.

11 (6) A request for funds necessary to implement the compensation and  
12 benefit provisions of (~~(a)~~) collective bargaining agreements entered  
13 into under this section shall not be submitted by the governor to the  
14 legislature unless such request has been:

15 (a) Submitted to the director of financial management by October  
16 1st before the legislative session at which the request is to be  
17 considered, except that, for initial negotiations under this section  
18 for family child care providers, the request must be submitted by  
19 November 15, 2006, and for child care center directors and workers, the  
20 request must be submitted by November 15, 2008; and

21 (b) Certified by the director of financial management as being  
22 feasible financially for the state or reflects the binding decision of  
23 an arbitration panel reached under this section.

24 (7) The legislature must approve or reject the submission of the  
25 request for funds as a whole. If the legislature rejects or fails to  
26 act on the submission, any such agreement will be reopened solely for  
27 the purpose of renegotiating the funds necessary to implement the  
28 agreement.

29 (8) The governor shall periodically consult with the joint  
30 committee on employment relations established by RCW 41.80.010  
31 regarding appropriations necessary to implement the compensation and  
32 benefit provisions of any collective bargaining agreement and, upon  
33 completion of negotiations, advise the committee on the elements of the  
34 agreement and on any legislation necessary to implement such agreement.

35 (9) After the expiration date of any collective bargaining  
36 agreement entered into under this section, all of the terms and  
37 conditions specified in any such agreement remain in effect until the

1 effective date of a subsequent agreement, not to exceed one year from  
2 the expiration date stated in the agreement, except as provided in  
3 subsection (4)(~~(d)~~) (f) of this section.

4 (10) If, after the compensation and benefit provisions of an  
5 agreement are approved by the legislature, a significant revenue  
6 shortfall occurs resulting in reduced appropriations, as declared by  
7 proclamation of the governor or by resolution of the legislature, both  
8 parties shall immediately enter into collective bargaining for a  
9 mutually agreed upon modification of the agreement.

10 (11) In enacting this section, the legislature intends to provide  
11 state action immunity under federal and state antitrust laws for the  
12 joint activities of family child care providers and their exclusive  
13 bargaining representative and of child care center directors and  
14 workers and their exclusive bargaining representatives to the extent  
15 such activities are authorized by this chapter.

16 **Sec. 3.** RCW 41.56.030 and 2007 c 184 s 2 are each amended to read  
17 as follows:

18 As used in this chapter:

19 (1) "Public employer" means any officer, board, commission,  
20 council, or other person or body acting on behalf of any public body  
21 governed by this chapter, or any subdivision of such public body. For  
22 the purposes of this section, the public employer of district court or  
23 superior court employees for wage-related matters is the respective  
24 county legislative authority, or person or body acting on behalf of the  
25 legislative authority, and the public employer for nonwage-related  
26 matters is the judge or judge's designee of the respective district  
27 court or superior court.

28 (2) "Public employee" means any employee of a public employer  
29 except any person (a) elected by popular vote, or (b) appointed to  
30 office pursuant to statute, ordinance or resolution for a specified  
31 term of office as a member of a multimember board, commission, or  
32 committee, whether appointed by the executive head or body of the  
33 public employer, or (c) whose duties as deputy, administrative  
34 assistant or secretary necessarily imply a confidential relationship to  
35 (i) the executive head or body of the applicable bargaining unit, or  
36 (ii) any person elected by popular vote, or (iii) any person appointed  
37 to office pursuant to statute, ordinance or resolution for a specified

1 term of office as a member of a multimember board, commission, or  
2 committee, whether appointed by the executive head or body of the  
3 public employer, or (d) who is a court commissioner or a court  
4 magistrate of superior court, district court, or a department of a  
5 district court organized under chapter 3.46 RCW, or (e) who is a  
6 personal assistant to a district court judge, superior court judge, or  
7 court commissioner. For the purpose of (e) of this subsection, no more  
8 than one assistant for each judge or commissioner may be excluded from  
9 a bargaining unit.

10 (3) "Bargaining representative" means any lawful organization which  
11 has as one of its primary purposes the representation of employees in  
12 their employment relations with employers.

13 (4) "Collective bargaining" means the performance of the mutual  
14 obligations of the public employer and the exclusive bargaining  
15 representative to meet at reasonable times, to confer and negotiate in  
16 good faith, and to execute a written agreement with respect to  
17 grievance procedures and collective negotiations on personnel matters,  
18 including wages, hours and working conditions, which may be peculiar to  
19 an appropriate bargaining unit of such public employer, except that by  
20 such obligation neither party shall be compelled to agree to a proposal  
21 or be required to make a concession unless otherwise provided in this  
22 chapter.

23 (5) "Commission" means the public employment relations commission.

24 (6) "Executive director" means the executive director of the  
25 commission.

26 (7) "Uniformed personnel" means: (a) Law enforcement officers as  
27 defined in RCW 41.26.030 employed by the governing body of any city or  
28 town with a population of two thousand five hundred or more and law  
29 enforcement officers employed by the governing body of any county with  
30 a population of ten thousand or more; (b) correctional employees who  
31 are uniformed and nonuniformed, commissioned and noncommissioned  
32 security personnel employed in a jail as defined in RCW 70.48.020(5),  
33 by a county with a population of seventy thousand or more, and who are  
34 trained for and charged with the responsibility of controlling and  
35 maintaining custody of inmates in the jail and safeguarding inmates  
36 from other inmates; (c) general authority Washington peace officers as  
37 defined in RCW 10.93.020 employed by a port district in a county with  
38 a population of one million or more; (d) security forces established

1 under RCW 43.52.520; (e) firefighters as that term is defined in RCW  
2 41.26.030; (f) employees of a port district in a county with a  
3 population of one million or more whose duties include crash fire  
4 rescue or other fire fighting duties; (g) employees of fire departments  
5 of public employers who dispatch exclusively either fire or emergency  
6 medical services, or both; or (h) employees in the several classes of  
7 advanced life support technicians, as defined in RCW 18.71.200, who are  
8 employed by a public employer.

9 (8) "Institution of higher education" means the University of  
10 Washington, Washington State University, Central Washington University,  
11 Eastern Washington University, Western Washington University, The  
12 Evergreen State College, and the various state community colleges.

13 (9) "Home care quality authority" means the authority under chapter  
14 74.39A RCW.

15 (10) "Individual provider" means an individual provider as defined  
16 in RCW 74.39A.240(4) who, solely for the purposes of collective  
17 bargaining, is a public employee as provided in RCW 74.39A.270.

18 (11) "Child care subsidy" means a payment from the state through a  
19 child care subsidy program established pursuant to RCW 74.12.340 or  
20 74.08A.340, 45 C.F.R. Sec. 98.1 through 98.17, or any successor  
21 program.

22 (12) "Family child care provider" means a person who: (a) Provides  
23 regularly scheduled care for a child or children in the home of the  
24 provider or in the home of the child or children for periods of less  
25 than twenty-four hours or, if necessary due to the nature of the  
26 parent's work, for periods equal to or greater than twenty-four hours;  
27 (b) receives child care subsidies; and (c) is either licensed by the  
28 state under RCW 74.15.030 or is exempt from licensing under chapter  
29 74.15 RCW.

30 (13) "Adult family home provider" means a provider as defined in  
31 RCW 70.128.010 who receives payments from the medicaid and state-funded  
32 long-term care programs.

33 (14) "Child care center directors and workers" includes all  
34 employees of child care centers who work on-site at the centers.  
35 "Child care center directors and workers" also includes owners of child  
36 care centers.

37 (15)(a) "Child care center" means a child care center licensed by

1 the state under RCW 74.15.030 that has at least one child care slot  
2 filled by a child for whom it receives a child care subsidy.

3 (b) "Child care center" does not include a child care center:

4 (i) Operated directly by another unit of government or a tribe;

5 (ii) Operated by an individual, partnership, profit or nonprofit  
6 corporation, or other entity that operates ten or more child care  
7 centers statewide; or

8 (iii) Operated by a local nonprofit organization whose primary  
9 mission is to provide social services, including serving children and  
10 families, and that pays membership dues or assessments to either: (A)  
11 A national organization, exempt from income tax under section 501(c)(3)  
12 of the internal revenue code, with more than five million dollars in  
13 membership dues and assessments annually, as reported to the internal  
14 revenue service; or (B) a regional council that is affiliated with a  
15 national organization, exempt from income tax under section 501(c)(3)  
16 of the internal revenue code, with more than two hundred affiliates.

17 **Sec. 4.** RCW 41.56.113 and 2007 c 184 s 3 are each amended to read  
18 as follows:

19 (1) Upon the written authorization of an individual provider, a  
20 family child care provider, or an adult family home provider within the  
21 bargaining unit and after the certification or recognition of the  
22 bargaining unit's exclusive bargaining representative, the state as  
23 payor, but not as the employer, shall, subject to subsection (3) of  
24 this section, deduct from the payments to an individual provider, a  
25 family child care provider, or an adult family home provider the  
26 monthly amount of dues as certified by the secretary of the exclusive  
27 bargaining representative and shall transmit the same to the treasurer  
28 of the exclusive bargaining representative.

29 (2) If the governor and the exclusive bargaining representative of  
30 a bargaining unit of individual providers, family child care providers,  
31 or adult family home providers enter into a collective bargaining  
32 agreement that:

33 (a) Includes a union security provision authorized in RCW  
34 41.56.122, the state as payor, but not as the employer, shall, subject  
35 to subsection (3) of this section, enforce the agreement by deducting  
36 from the payments to bargaining unit members the dues required for

1 membership in the exclusive bargaining representative, or, for  
2 nonmembers thereof, a fee equivalent to the dues; or

3 (b) Includes requirements for deductions of payments other than the  
4 deduction under (a) of this subsection, the state, as payor, but not as  
5 the employer, shall, subject to subsection (3) of this section, make  
6 such deductions upon written authorization of the individual provider,  
7 family child care provider, or adult family home provider.

8 (3)(a) The initial additional costs to the state in making  
9 deductions from the payments to individual providers, family child care  
10 providers, and adult family home providers under this section shall be  
11 negotiated, agreed upon in advance, and reimbursed to the state by the  
12 exclusive bargaining representative.

13 (b) The allocation of ongoing additional costs to the state in  
14 making deductions from the payments to individual providers, family  
15 child care providers, or adult family home providers under this section  
16 shall be an appropriate subject of collective bargaining between the  
17 exclusive bargaining representative and the governor unless prohibited  
18 by another statute. If no collective bargaining agreement containing  
19 a provision allocating the ongoing additional cost is entered into  
20 between the exclusive bargaining representative and the governor, or if  
21 the legislature does not approve funding for the collective bargaining  
22 agreement as provided in RCW 74.39A.300, 41.56.028, or 41.56.029, as  
23 applicable, the ongoing additional costs to the state in making  
24 deductions from the payments to individual providers, family child care  
25 providers, or adult family home providers under this section shall be  
26 negotiated, agreed upon in advance, and reimbursed to the state by the  
27 exclusive bargaining representative.

28 (4) The governor and the exclusive bargaining representative of a  
29 bargaining unit of family child care providers may not enter into a  
30 collective bargaining agreement that contains a union security  
31 provision unless the agreement contains a process, to be administered  
32 by the exclusive bargaining representative of a bargaining unit of  
33 family child care providers, for hardship dispensation for license-  
34 exempt family child care providers who are also temporary assistance  
35 for needy families recipients or WorkFirst participants.

36 (5) In lieu of the deductions authorized under subsections (1) and  
37 (2) of this section, and the union security provisions authorized under  
38 RCW 41.56.122, the governor and the exclusive representative of a

1 bargaining unit of child care center directors and workers shall agree  
2 to a representation fee to be paid to the exclusive representative for  
3 the costs of representation of child care center directors and workers  
4 as provided in this chapter. The state shall deduct the representation  
5 fee from the monthly amount of the child care subsidy due to a child  
6 care center and transmit the representation fee to the secretary of the  
7 exclusive bargaining representative. Any child care center that is  
8 operated by a church or other religious body for which payment of a  
9 representative fee is contrary to bona fide religious tenets shall pay  
10 an amount equivalent to the representation fee to a nonreligious  
11 charity or to another charitable organization mutually agreed upon by  
12 the child care center and the exclusive representative to which the  
13 center would otherwise pay the representation fee. The child care  
14 center shall furnish written proof that such payment has been made. If  
15 the child care center and the exclusive representative do not reach  
16 agreement on such matter, the commission shall designate the charitable  
17 organization.

18 **Sec. 5.** RCW 41.04.810 and 2007 c 184 s 4 are each amended to read  
19 as follows:

20 Individual providers, as defined in RCW 74.39A.240, family child  
21 care providers, as defined in RCW 41.56.030, child care center  
22 directors and workers, as defined in RCW 41.56.030, and adult family  
23 home providers, as defined in RCW 41.56.030, are not employees of the  
24 state or any of its political subdivisions and are specifically and  
25 entirely excluded from all provisions of this title, except as provided  
26 in RCW 74.39A.270, 41.56.028, and 41.56.029.

27 **Sec. 6.** RCW 43.01.047 and 2007 c 184 s 5 are each amended to read  
28 as follows:

29 RCW 43.01.040 through 43.01.044 do not apply to individual  
30 providers under RCW 74.39A.220 through 74.39A.300, family child care  
31 providers under RCW 41.56.028, child care center directors and workers  
32 under RCW 41.56.028, or adult family home providers under RCW  
33 41.56.029.

34 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.215 RCW  
35 to read as follows:

1 (1) Every child care center shall provide to the department a list  
2 of the names and addresses of all current child care center directors  
3 and workers, as defined in RCW 41.56.030, annually by January 30th,  
4 except that initially the lists shall be provided within thirty days of  
5 the effective date of this section.

6 (2) The department shall, upon request, provide to a labor  
7 organization seeking to organize child care center directors and  
8 workers, a list of all directors and workers in the unit that the  
9 organization seeks to organize. The list shall contain the information  
10 collected with regard to the directors and workers pursuant to  
11 subsection (1) of this section.

12 NEW SECTION. **Sec. 8.** A new section is added to chapter 74.08A RCW  
13 to read as follows:

14 The department shall adjust the rates of child care subsidies, as  
15 defined in RCW 41.56.030, paid to all child care centers to reflect the  
16 rate provisions in a collective bargaining agreement for child care  
17 center directors and workers negotiated under RCW 41.56.028 and funded  
18 by the legislature.

19 NEW SECTION. **Sec. 9.** A new section is added to chapter 74.12 RCW  
20 to read as follows:

21 The department shall adjust the rates of child care subsidies, as  
22 defined in RCW 41.56.030, paid to all child care centers to reflect the  
23 rate provisions in a collective bargaining agreement for child care  
24 center directors and workers negotiated under RCW 41.56.028 and funded  
25 by the legislature.

26 NEW SECTION. **Sec. 10.** (1) The Washington state institute for  
27 public policy shall study outcomes associated with granting collective  
28 bargaining rights to child care center directors and workers.

29 (2) The study shall, at a minimum, report whether:

30 (a) Standards for the child care profession have improved;

31 (b) Continuous quality improvement in the delivery of early  
32 learning services has been achieved;

33 (c) Expanded opportunities for educational advancement for child  
34 care center directors and workers, including degree and certificate  
35 completion, are available; and

1 (d) Wage and benefit progression for child care center directors  
2 and workers has occurred.

3 (3) The results of the study shall be reported biennially, no later  
4 than December 1st, beginning in 2009, to the governor and to  
5 appropriate committees of the legislature.

6 NEW SECTION. **Sec. 11.** If any provision of this act or its  
7 application to any person or circumstance is held invalid, the  
8 remainder of the act or the application of the provision to other  
9 persons or circumstances is not affected.

10 NEW SECTION. **Sec. 12.** If any part of this act is found to be in  
11 conflict with federal requirements that are a prescribed condition to  
12 the allocation of federal funds to the state, the conflicting part of  
13 this act is inoperative solely to the extent of the conflict and with  
14 respect to the agencies directly affected, and this finding does not  
15 affect the operation of the remainder of this act in its application to  
16 the agencies concerned. Rules adopted under this act must meet federal  
17 requirements that are a necessary condition to the receipt of federal  
18 funds by the state.

19 NEW SECTION. **Sec. 13.** This act may be known and cited as the  
20 access to quality child care workforce act.

21 NEW SECTION. **Sec. 14.** If specific funding for the purposes of  
22 this act, referencing this act by bill or chapter number, is not  
23 provided by June 30, 2008, in the omnibus appropriations act, this act  
24 is null and void.

--- END ---